

For: FFAS Employees

**Using Annual Leave (AL) to Avoid Forfeiture and  
Declaration of Public Exigency Information for Leave Year (LY) 2012**

**Approved by:** Acting Associate Administrator for Operations and Management



**1 Overview**

**A Purpose**

This notice:

- requires that employees schedule their excess AL **no later than COB December 1, 2012**, including State and County Office employees
- informs employees that excess AL not used or donated will be forfeited at the end of LY, unless employee’s Agency approves an exigency of public business

**Note:** See subparagraph 3 C for a list of authorizing officials for exigencies.

- reminds employees that LY 2012 has 27 pay periods and ends on January 12, 2013
- reminds employees to check the forfeiture date on any previously restored AL
- reminds employees of their responsibility to compare their EPP page and WebTA hours for any discrepancy of leave and forfeiture of leave
- provides information on authorizing officials for exigencies of public business and details on related actions
- informs employees about donating excess AL to an approved recipient in the Leave Transfer Program (LTP), and National Office employees about donating excess AL to FFAS National Office Leave Bank (LB)
- reminds employees and supervisors of compensatory leave rules
- instructs donors on where to find information on approved LTP recipients.

<b>Disposal Date</b>	<b>Distribution</b>
March 1, 2013	All FAS, RMA, and FSA employees; State Offices relay to County Offices

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### 1 Overview (Continued)

#### B Labor Management Obligations

This notice covers both bargaining and nonbargaining unit employees. Where exclusive representation exists, bargaining may be requested to the extent allowed by applicable statutes. Where contract language already addresses these policies and procedures for bargaining unit employees, contract language prevails.

### 2 Annual Leave

#### A AL Carryover Limits

There are limits to the number of hours of AL that may be carried forward into the new LY. Limits are:

- 240 hours of regular AL
- 360 hours of regular AL for FAS employees currently assigned overseas
- 720 hours of regular AL for Senior Executive Service, Senior Foreign Service, or Senior Level positions, unless exempt.

#### B Exempted Employees

Employees who are exempt from the 240-hour rule may contact their Servicing Personnel Office (SPO) to verify the status of their current AL ceiling.

#### C FAS Employees Returning to the United States

An employee returning to the United States after serving overseas will have the higher of either of the following:

- a leave balance of 240 AL hours
- their leave balance at the end of LY.

**Note:** Once the employee falls below the 240 hours leave balance at any time during LY, the 240 hours becomes the LY ceiling.

## 2 Annual Leave (Continued)

### D Restored AL

Employees who are approved for an exigency and restoration of leave shall have some or all of their forfeited AL hours restored. Processing restored AL will take place as soon as possible after pay period 2, 2013 and after all required documents are received at SPO. SPO shall notify the employee and their timekeeper after the restoration. Restored AL is a separate leave category from regular AL and employees shall use “**Restored Leave**” to record the employee’s use of restored AL.

- Employees who have had AL restored from a previous LY need to **verify the restored date** of this AL. If the restored AL is scheduled for forfeiture at the end of LY 2012, the employee must request this AL before December 1, 2012, and use this AL before January 12, 2013.
- Restored AL should be used in LY in which it is restored, but may be carried forward into the following LY and used. This allows approximately 2 LY’s to use restored AL. If restored AL is **not** used within this timeframe, it is forfeited and **cannot** be restored a second time.
- Employees, who are approved for an exigency, shall have their forfeited annual leave restored as soon as possible **after** pay period 2, 2013. Annual leave restored from LY 2012, must be used by the end of LY 2014 or it will be forfeited. Restored AL is eligible for lump sum payout, if the employee resigns or retires before the end of LY 2014.

**Note:** Restored AL is eligible for lump sum payout, if the employee resigns or retires before the end of LY 2012.

### E Scheduling Use or Lose AL

CO and GS employees who currently have annual leave to use or lose before the end of LY 2012, shall request use of their excess annual leave on or before December 1, 2012, by completing SF-71 or leave request in the WebTA system. Supervisors, in consultation with DD’s and/or Administrative Officers (AO), may **disapprove** all or part of the leave hours requested.

### F Supervisory Action

Managers and supervisors shall accept leave requests (both WebTA leave requests and/or SF-71’s) from employees requesting to use their excess AL. Employees are **required** to submit leave requests to their first line supervisor for any excess AL **no later than COB** December 1, 2012. All leave requests for excess AL shall either be approved or disapproved/canceled as soon as possible after receipt.

**2 Annual Leave (Continued)**

**F Supervisory Action (Continued)**

If a leave request for excess AL must be denied, supervisors shall deny leave and either write “canceled” in the remarks of the WebTA leave request or across the employee’s SF-71 and note the reason. Supervisors and employees shall attempt to reschedule any canceled excess leave **before** the end of LY, if possible.

**3 Exigencies of Public Business**

**A Definition of Exigency of Public Business**

The following is the legal definition of an “exigency of public business”:

An exigency of public business occurs when a **critical** need is sudden or unexpected, an emergency, or a pressing necessity, characterized by additional work with deadlines required by statute, Executive Order, court order, regulation, or formal directive from the head of an Agency or designee.

**Note: Poor leave planning, a heavy workload, or recurring cyclical peaks, alone, do not constitute an exigency.**

Employees who have a family member serving on active duty and have questions about qualifying exigencies should contact Yolanda Provost by e-mail at [yolanda.provost@wdc.usda.gov](mailto:yolanda.provost@wdc.usda.gov).

**B Employee Procedures for Requesting Exigency Consideration**

Employees, who will forfeit AL because their job-related duties are impacted by the conditions of an exigency, may request approval for restoration of their forfeited AL hours by sending a short memorandum through their immediate supervisor, to SED. The memorandum should refer to this notice and specify hours forfeited and hours to be restored; leave request in WebTA system or SF-71’s that have been denied must be attached. The State Office shall confirm receipt and approval of all exigency requests.

To request exigency consideration and restoration of forfeited AL, employees **must**:

- have submitted their leave requests to use their excess AL no later than COB **December 1, 2012**
- prepare a brief memorandum addressed to their authorizing official that shall include the following:
  - their proper name
  - justification for the exigency
  - an estimate of the number of excess AL hours they would like restored
  - copies of their “canceled” or “denied” leave requests
  - leave audit for 2012 from WebTA

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**3 Exigencies of Public Business (Continued)**

**B Employee Procedures for Requesting Exigency Consideration (Continued)**

- compare their Employee Personal Page (EPP) and their WebTA balances for any discrepancies

**Note:** If any discrepancies are found, employees must work with their timekeeper to resolve.

- forward the memorandum and attachments to their first line supervisor for review, then to their HR Service Providing Office.

**C Authorizing Officials for Exigencies**

The following table outlines FFAS approval authorities for exigencies.

<b>IF office is...</b>	<b>THEN approving official will be...</b>
any <b>FAS</b>	Administrator.
any <b>RMA</b>	Administrator.
<b>FSA:</b> <ul style="list-style-type: none"><li>• Deputy Administrator</li><li>• National Office, Kansas City, and APFO</li><li>• State and County Offices</li></ul>	<ul style="list-style-type: none"><li>• Administrator</li><li>• Administrator or Deputy Administrator</li><li>• SED.</li></ul>

Authorizing officials or their designee shall approve or disapprove exigency requests. Once the exigency decision is made, the authorizing official shall have the exigency requests returned to the appropriate office.

**Important:** Division directors, office managers, and State Office supervisors will ensure that approved exigency packages, including attachments, are forwarded or FAXed to the employee’s SPO, according to subparagraph **F**, and shall notify the employee of the approving official’s decision.

**D FSA County Offices**

CED’s, FLM’s, COC’s, and DD’s shall discuss the potential of other exigencies within their area of authority. If it is decided that an exigency situation may exist, it shall be discussed with the State AO and/or SED. If SED’s decide that an exigency of the public business exists, then the affected offices or employees shall be notified. Employees affected by an exigency shall follow the instructions in subparagraph B.

SED’s shall decide who will provide preliminary approval for exigencies **before** they are forwarded to the State AO for review. AO will review each request on a case-by-case basis, and forward his or her recommendations to SED for approval. Employees who are affected by an exigency will be notified of approval or disapproval in a timely manner.

**Note:** DAFO will be available to provide guidance and oversight to State Offices.

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**3 Exigencies of Public Business (Continued)**

**E All Other FFAS Offices**

DD's, office managers, and State Office supervisors shall discuss the appropriateness of exigencies for employees on their staff with their authorizing official, according to subparagraph B.

If an exigency exists, notification will be made to the proper mid-level supervisors or staff members. Affected employees shall follow the instructions in subparagraph B to request an exigency and forward their request to their first line supervisor.

First line supervisors shall review and initial their concurrence on the exigency requests **before** forwarding the request to the division director, office manager, or AO for preliminary approval.

Division directors, office managers, and State Office supervisors will then forward their recommendations to the appropriate authorizing official.

Employees who have requested an exigency will be notified of approval or disapproval in a timely manner.

**F SPO Contacts**

All approved exigency requests should be received by the employee's SPO contact listed in this table **on or before the end of pay period 2, Friday, February 8, 2013.**

<b>Location/Office</b>	<b>SPO Contact</b>
FSA County Office (GS and CO employees) State Office, Administrative Officer FSA State Office employees, except SED's APFO MSD, Kansas City FMD, Kansas City HRD, Kansas City BUD, Kansas City RMA, Kansas City	HRD, ATTN: Patty Gepford by: <ul style="list-style-type: none"><li>• e-mail to <b>patricia.gepford@kcc.usda.gov</b></li><li>• telephone at 816-926-6259</li><li>• FAX at 816-926-6156.</li></ul>
KCCO HRD	ATTN: Dana Candler by: <ul style="list-style-type: none"><li>• e-mail to <b>dana.candler@kcc.usda.gov</b></li><li>• telephone at 816-926-6117</li><li>• FAX at 816-926-6156.</li></ul>

3 Exigencies of Public Business (Continued)

F SPO Contacts (Continued)

Location/Office	SPO Contact
ITSD, Kansas City and St. Louis	ATTN: Sharon Mulroy by: <ul style="list-style-type: none"> <li>• e-mail to <b>sharon.mulroy@kcc.usda.gov</b></li> <li>• telephone at 816-926-1539</li> <li>• FAX at 816-926-6156.</li> </ul>
FAS FSA, Washington DC, employees RMA, <b>except</b> Kansas City SED's	HRD, ATTN: Linda Watkins by: <ul style="list-style-type: none"> <li>• e-mail to <b>linda.watkins@wdc.usda.gov</b></li> <li>• telephone at 202-401-0688</li> <li>• FAX at 202-401-9140.</li> </ul>

G SPO Actions

After receiving an **approved** exigency memorandum, SPO shall verify the receipt of the following information:

- exigency memorandum signed by an authorizing official, according to subparagraph C
- copies of employee's leave requests that were canceled or denied.

During or after pay period 2, 2013, SPO shall:

- verify the amount of AL that was forfeited by the employee by checking NFC's TINQ screens under the category "Leave Forfeited"
- verify employee leave balances by using the employee's leave audit to compare the balance in WebTA to the NFC leave database
- document the hours to be restored
- process the restoration
- notify the employee and their timekeeper of the pay period in which the restoration will take place
- advise timekeepers how to update the employee's T&A record.

## 4 Compensatory Leave

### A Rules

Earned compensatory leave should be used **before** AL, except when usage will cause forfeiture of excess AL at the **end** of LY.

**Note:** There are employees who begin LY at their maximum AL carryover balance. This does **not** mean that the employee must use their compensatory leave first because the employee is starting the year in a use-or-lose status. It is understood that employees will use AL for vacations, etc. throughout the year. Compensatory leave should always be the first leave considered, but AL can be used when there is a compensatory leave balance when there is a realistic expectation that the compensatory leave will be used before expiration.

Supervisors and employees should plan leave usage to avoid both forfeiture of AL and expiration of compensatory leave.

### B Expiration of Compensatory Leave

Compensatory leave **will expire 26 pay periods** after the pay period in which it was earned.

**Example:** If compensatory leave is earned in pay period 10 of the current year, the leave will expire at the end of pay period 10 of the following year.

**Note:** If there are 27 pay periods in LY, the leave will expire at the end of pay period 09.

### C Payment for Expired Compensatory Leave

Employees unable to use their compensatory leave hours before they expire are entitled to be paid for their expired compensatory leave hours at the overtime rate in effect when the compensatory leave was earned. Employee/timekeeper must submit a leave audit and written documentation for total hours of payment.

**Note:** Employees are responsible for contacting their SPO to request payment when applicable. The NFC payroll system does **not** issue these payments automatically.

## 5 Donating Access AL to Leave Transfer Program (LTP) or Leave Bank (LB)

### A Donations to LTP Recipient

Under the voluntary LTP, GS employees may donate their excess AL and/or restored AL to another GS employee who is an approved leave recipient. County (CO) employees may donate their excess and/or restored AL to an approved CO recipient. By law, GS and CO employees are **not** considered to be in the same leave system, so AL **cannot** be donated from a GS employee to a CO employee or vice versa.

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### 5 Donating Access AL to Leave Transfer Program (LTP) or Leave Bank (LB) (Continued)

#### A Donations to LTP Recipient (Continued)

To donate:

- within FFAS, employees should use the “Leave Donor” feature in WebTA
- within USDA but outside of FFAS, follow instructions in **Exhibit 1** about how to donate leave in WebTA
- outside of USDA, use OPM-630B (available online at <http://www.opm.gov/forms/html/opm.asp>).

**Note:** Employees should use the “Leave Donor” feature in WebTA to donate use-or-lose leave. Employees should submit leave donation request for outside agency (OPM-630B) to their SPO **no later than December 1, 2012**. State Offices should forward to Kansas City, MO, or Washington, DC, no later than COB **December 1, 2012**.

#### B Information on Approved LTP Recipients

**FAS and RMA** shall contact their SPO listed in subparagraph **3 F** for information on LTP recipients.

FSA employees shall access FSA’s Intranet site at [http://fsaintranet.sc.egov.usda.gov/ffas/hrd/fsa\\_lv\\_transfer.htm](http://fsaintranet.sc.egov.usda.gov/ffas/hrd/fsa_lv_transfer.htm) for a list of approved GS and CO LTP recipients.

Employees can access the following LTP forms on the HRD website at [http://fsaintranet.sc.egov.usda.gov/ffas/hrd/fsa\\_lv\\_transfer.htm](http://fsaintranet.sc.egov.usda.gov/ffas/hrd/fsa_lv_transfer.htm):

- **AD-1046**, Leave Transfer Recipient Application
- **OPM-630a**, Donate Annual Leave to Leave Recipient Under the Voluntary Leave Transfer Program (within the USDA agency)
- **OPM-630b**, Donate Annual Leave to Leave Recipient Under the Voluntary Leave Transfer Program (outside of USDA agency).

**Note:** All leave donations should be completed in WebTA using the “Donate Leave” category. The box for “Remarks” must be completed by the employee stating whether the leave is **excess**, a **gift**, or a **membership**. The employee must also state whether the leave is to be deducted for **2012** or **2013**.

See 17-PM, Part 10, Section 1 for additional information about the Voluntary LTP.

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### 5 Donating Access AL to Leave Transfer Program (LTP) or Leave Bank (LB) (Continued)

#### C National Office Donations to Voluntary Leave Bank Program

The LB allows employees to become members of the FFAS LB by donating leave. If an LB member or a member of their family experiences an extended medical emergency, the LB member may qualify to become a recipient of paid leave from LB (National Office employees only at this time). See the following for additional details:

- FFAS Leave Bank - Open Enrollment  
([http://fsaintranet.sc.egov.usda.gov/ffas/hrd/fsa\\_lv\\_transfer.htm](http://fsaintranet.sc.egov.usda.gov/ffas/hrd/fsa_lv_transfer.htm))
- Leave Bank FAQ's.  
([www.fsa.usda.gov/Internet/FSA\\_File/leave\\_bank\\_faqs\\_cc.doc](http://www.fsa.usda.gov/Internet/FSA_File/leave_bank_faqs_cc.doc))

Open season to donate leave to LB is November 18, 2012, to December 29, 2012. FAS, FSA, and RMA **National Office** employees may donate their excess and/or restored AL to LB by following the instructions in **Exhibit 1** about how to donate leave in WebTA. The leave donation request will last for 26 pay periods.

It is **mandatory** that before the hours can be credited to the appropriate pay period, the donated leave must be approved by HR administrators before the T&A is validated and certified.

#### D Donation Limitations

Donations of **excess** AL to an approved LTP recipient or to LB are **limited** to the lesser of either of the following:

- half of the donating employee's accrued AL entitlement for LY 2012
- the number of pay period hours remaining for the LY.

It is **mandatory** that before the hours can be credited to the appropriate pay period, the donated leave must be approved by HR administrators before the T&A is validated and certified.

**Notes:** There are no donation limits when donating **restored** AL. Approved leave recipients are **not** limited to the amount of AL they may carry from one LY to the next. Exemptions to LTP donation limits may be granted by FFAS Leave Transfer Coordinators **only** when the donation is for an approved LTP recipient who is still in need of leave.

Exemptions to donating excess AL **cannot** be granted for the FFAS National Office LB.

**Instructions for Donating Leave in WebTA and/or Registering for Enrollment in LB**

Employees shall follow the instructions in this table to donate leave in WebTA and/or register for enrollment in LB.

Step	Action
1	Log into WebTA using your eAuth user ID and password at <a href="https://wtausda.nfc.usda.gov/usda/">https://wtausda.nfc.usda.gov/usda/</a> .
2	From the <b>Employee Main Menu</b> , CLICK <b>“Leave/Prem Pay”</b> .
3	CLICK <b>“Donation”</b> .
4	CLICK <b>“New Donation”</b> .
5	CLICK <b>“Search”</b> next to the working <b>“Leave Account”</b> . A list of recipients will be displayed.  <b>Note:</b> Users may also use this instruction to enroll in LB for <b>FAS, FSA, and RMA - Headquarters only</b> .
6	CLICK <b>“Select”</b> next to a recipient’s name.
7	Enter your position title, grade, and step (optional).
8	Enter the number of hours you wish to donate.
9	Account will usually say <b>“NFC stored account”</b> ; otherwise, select your accounting code.
10	Select type of leave being donated; that is, <b>“Donate Annual leave”</b> or <b>“Donate Restored Annual leave”</b> . Ignore the other option.
11	Remarks (optional).
12	CLICK <b>“Save”</b> .
13	Wait for approval. Once a donation has been approved, hours will automatically be subtracted from the donor’s account and added to the recipient’s account. Donation will show on T&A and WebTA will notify of approval.